

ORDINANCE NO. 08-28

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 2 ENTITLED "ADMINISTRATION", ARTICLE IV. PURCHASING AND COMPETITIVE BIDDING, DIVISION 2. COMPETITIVE BIDDING PROCEDURES, AND IN PARTICULAR, REVISING HIALEAH CODE § 2-812 ENTITLED "COMPETITIVE BIDDING REQUIRED" TO FURTHER DEFINE THE COMPETITIVE BIDDING REQUIREMENTS TO ALLOW FOR EVALUATION OF FACTORS IN ADDITION TO PRICE IN CONNECTION WITH REQUEST FOR PROPOSALS THAT MAY APPLY TO DESIGN-BUILD AND DESIGN-BUILD-OPERATE CONTRACTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the specific purpose of this ordinance is to further define the competitive bidding requirements and regulations to allow for the evaluation of factors in addition to price in requests for proposals that may apply to the procurement of design-build and design-build-operate contracts.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 2 entitled "Administration", Article IV. Purchasing and Competitive Bidding, Division 2. Competitive Bidding Procedures, of the Code of Ordinances of the City of Hialeah, Florida, by revising Hialeah Code § 2-812 entitled "Competitive bidding required" is hereby amended to read as follows:

Chapter 2

ADMINISTRATION

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ARTICLE IV. PURCHASING AND COMPETITIVE BIDDING

* * *

DIVISION 2. COMPETITIVE BIDDING PROCEDURES

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Sec. 2-812. Competitive bidding required.

All contracts for public improvements and purchases of supplies, materials or services, including design-build and design-build-operate contracts, requiring council approval, shall be awarded to the lowest responsible and responsive bidder after competitive bidding and advertisement or to the responsive offeror whose proposal is determined to provide the best value to the city considering the relative importance of price and other evaluation factors included in the request for proposals. For contracts for public improvement and purchases of supplies, materials or services that do not require council approval, the mayor or the purchasing agent, at the request of the mayor, shall provide a minimum of three price quotations in the absence of competitive bidding and advertisement prior to contract or purchase.

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Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty

not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the

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Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this ~~22nd~~ day of April, 2008.

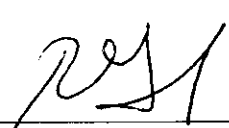
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



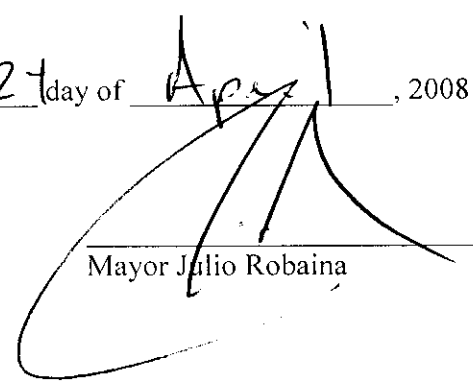
Esteban Bovo
Council President

Attest:

Approved on this 24 day of April, 2008



Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

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Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".